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Paper No.

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**JAN 05 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Suzuki et al. :  
Application No. 10/087,772 : LETTER REGARDING  
Filed: March 5, 2002 : PATENT TERM ADJUSTMENT  
Attorney Docket No. 04329.2756:

This letter is in response to the "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT" filed October 26, 2006. Applicants disclose that the correct patent term adjustment (at the time of the mailing of the notice of allowance) is 696 days, not 753 days.

The request for review of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is SIX HUNDRED NINETY-SIX (696) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicants state no basis for their disclosure. Nonetheless, a review of the record reveals that a period of adjustment of 57 days for Office delay was entered in error. Applicants' Request for Continued Examination was entered as filed March 31, 2006, rather than the correct date of July 31, 2006. Use of this incorrect date led to entry of a period of Office delay for taking until September 26, 2006 to mail a Notice of Allowance. As September 26, 2006 is within four months of the correct

filing date of the RCE of July 31, 2006, there was no Office delay.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is SIX HUNDRED NINETY-SIX (696) days.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Publication for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a stylized, flowing script.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Thursday

PALM INTRANET

Date: 1/4/2007

Time: 18:37:17

**PTA Calculations for Application: 10/087772**

Application Filing Date:	03/05/2002	PTO Delay (PTO):	844
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	91
Post-Issue Petitions:	0	Total PTA (days):	696
PTO Delay Adjustment:	-57		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
55	01/04/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		57	
50	09/26/2006	MAIL NOTICE OF ALLOWANCE	57		43
49	09/25/2006	ISSUE REVISION COMPLETED			
48	09/25/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
47	09/22/2006	NOTICE OF ALLOWABILITY			
46	07/31/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
45	07/31/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	08/04/2006	DATE FORWARDED TO EXAMINER			
43	03/31/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
42	08/04/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
41	08/04/2006	RECORD PETITION DECISION OF GRANTED TO WITHDRAW FROM ISSUE - WITH ASSIGNED PATENT NO.			
40	08/04/2006	WITHDRAWAL PATENT CASE FROM ISSUE			
39	07/31/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
38	07/31/2006	PETITION ENTERED			
37	07/26/2006	ISSUE NOTIFICATION MAILED			
36	08/15/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
35	06/30/2006	FINISHED INITIAL DATA CAPTURE			
34	07/03/2006	EXPORT TO FINAL DATA CAPTURE			
33	07/03/2006	EXPORT TO FINAL DATA CAPTURE			
32	07/03/2006	EXPORT TO FINAL DATA CAPTURE			

31	06/30/2006	DISPATCH TO FDC			
30	06/30/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
29	06/23/2006	ISSUE FEE PAYMENT VERIFIED			
28	06/23/2006	ISSUE FEE PAYMENT RECEIVED			
27	04/03/2006	EXPORT TO INITIAL DATA CAPTURE			
26	03/31/2006	MAIL NOTICE OF ALLOWANCE			
25	03/30/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
24	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
23	03/21/2006	ISSUE REVISION COMPLETED			
22	03/20/2006	NOTICE OF ALLOWABILITY			
21	01/06/2006	DATE FORWARDED TO EXAMINER			
20	12/30/2005	RESPONSE AFTER NON-FINAL ACTION		91	18
19	12/30/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	06/30/2005	MAIL NON-FINAL REJECTION	787		-1
17	06/27/2005	NON-FINAL REJECTION			
16	05/11/2005	CASE DOCKETED TO EXAMINER IN GAU			
15	03/14/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	04/18/2005	CASE DOCKETED TO EXAMINER IN GAU			
13	04/08/2005	CORRESPONDENCE ADDRESS CHANGE			
12	03/15/2005	CASE DOCKETED TO EXAMINER IN GAU			
11	09/02/2004	CASE DOCKETED TO EXAMINER IN GAU			
10	07/21/2004	CASE DOCKETED TO EXAMINER IN GAU			
9	05/17/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	02/21/2004	CASE DOCKETED TO EXAMINER IN GAU			
7	07/12/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	03/05/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	03/05/2002	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
4	04/11/2002	APPLICATION DISPATCHED FROM OIPE			
3	04/09/2002	APPLICATION IS NOW COMPLETE			
2	03/20/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/05/2002	INITIAL EXAM TEAM NN			